REMARKS/ARGUMENTS

The Office Action of November 23, 2004, has been carefully considered.

It is noted that claims 1-39 are rejected under 35 U.S.C. §112, first paragraph.

Claims 1-39 are also rejected under 35 U.S.C. §103(a) over the patent to Zeller et al.

In view of the Examiner's rejections of the claims, applicants have amended claims 1 and 4.

It is respectfully submitted that the claims now on file are enabled by the specification. Applicants have amended claim 4 so that it recites that magnetite formation is to be avoided. Support for this is found on page 4, lines 5-12 of the specification. Thus, it is respectfully submitted that the specification provides a description sufficient to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with the claims. The invention as claimed teaches adjusting a certain reduction speed and temperature in the reducing gas, wherein the temperature should be a maximum with respect to the avoidance of magnetite formation, i.e., the temperature should be as high as possible without causing magnetite formation. The claimed invention further recites that the required adjustment of the reducing gas is to be achieved by conditioning the reducing gas by increasing the degree of oxidation of the reducing gas and/or decreasing the temperature of the reducing gas. This is discussed in the specification at page 8, line 33-page 9, line 32. Thus, it is respectfully submitted that the rejection of claims 1-39 under 35 U.S.C. §112, first paragraph, is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the methods disclosed in the reference.

Turning now to the reference, it can be seen that Zeller et al. disclose a process and plant for the direct reduction of particulate iron-oxide-containing material. Zeller et al. teach very stringent process conditions. According to the reference, in one embodiment the material in the first particulate pathway reaction zone is heated to a temperature below 400°C. At this temperature, magnetite formation does not take place. In the next particulate pathway reaction zone, the material has to be heated extensively in order to pass very quickly through the disadvantageous temperature range in which the formation of magnetite occurs. The heating

required in this step, however, entails very high costs. It would therefore be advantageous to already preheat the material to a higher temperature in the first particulate pathway reaction zone so as to avoid the costs of extensive heating. In the presently claimed invention, it is possible to heat the material to a temperature above 400° in the first particulate pathway reaction zone mainly by adjusting a maximum reduction speed of 0.2% oxygen removal per minute. Since Zeller et al. do not consider or have the object of achieving a higher preheating temperature in the first particulate pathway reaction zone while avoiding more intensive heating in the second zone, one skilled in the art would have no motivation to use the reduction speed in the reducing gas, much less optimize the reduction speed, as in the presently claimed invention.

In a second embodiment, Zeller et al. teach heating the material to a temperature in the range of 400°C-580°C in the first particulate pathway reduction zone. The material, however, has to be passed through this zone within a maximum period of ten minutes. Contrary to this, the present invention aims to avoid a time limit for preheating so that the material turnover per time unit is determined solely by reducing and not by preheating. Zeller et al. provide absolutely no teaching or suggestion to a person skilled in the art that this could be achieved by using the reduction speed, much less adjusting a maximum reduction speed of 0.2% oxygen removal per minute.

In view of these considerations, applicants respectfully submit that Zeller et al. do not teach the process recited in the claims presently on file.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-39 under 35 U.S.C. §103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on March 21, 2005:

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Respectfully submitted,

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